

**A-6258 (Variance Request)**  
**Mr. & Mrs. Edward Rubenstein**  
**5503 Grove Street**

Reconfigure the roof and soffit over an existing one-story garage. The proposed soffit and gutter would encroach a maximum of one foot, two inches (1'-2") into the seven (7) foot side (northeast) yard setback.

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 14<sup>th</sup> day of January, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6258  
MR. & MRS. EDWARD RUBENSTEIN  
5503 GROVE STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to reconfigure the roof and soffit over an existing one-story garage. The proposed soffit and gutter would encroach a maximum of one foot, two inches (1'-2") into the seven (7) foot side (northeast) yard setback.

**The Chevy Chase Village Code § 8-17 (g) states:**

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 3<sup>rd</sup> day of January, 2013.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**



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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JANUARY 14, 2013 MEETING

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STAFF INFORMATION REPORT

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TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 1/7/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6258 VARIANCE REQUEST  
MR. & MRS. EDWARD RUBENSTEIN, 5503 GROVE STREET  
RECONFIGURE THE ROOF AND SOFFIT OVER AN EXISTING ONE-STORY GARAGE. THE  
PROPOSED SOFFIT AND GUTTER WOULD ENCROACH A MAXIMUM OF ONE FOOT, TWO  
INCHES (1'-2") INTO THE SEVEN (7) FOOT SIDE (NORTHEAST) YARD SETBACK.

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NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code §8-17(g) states:

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

APPLICABLE COVENANTS:

A covenant applicable to the Subject Property imposed by the Chevy Chase Land Company provides "no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) feet of the nearest adjacent house." Hence there is no conflict with applicable covenants.



Figure 1: View of 5503 Grove Street.



#### FACTUAL AND BACKGROUND INFORMATION:

The existing garage soffit and gutter encroach eight and one-quarter inches (8- $\frac{1}{4}$ " ) into the side (northeast) yard setback. The proposed new soffit and gutter would encroach an additional five and three-quarter inches (5- $\frac{3}{4}$ " ) for a total encroachment of one foot, two inches (1'-2").

The Applicants state that the roof is being reconfigured to be more architecturally consistent with the main house and to coordinate with the roofing of the proposed new rear addition.



Figure 2: Close up of the existing garage trim and gutter, which encroaches eight and one-quarter inches (8- $\frac{1}{4}$ " ) into the seven (7) foot northeast (side) yard setback.

There are no tree issues related to the reconfigured roof; a tree protection plan would be required for other aspects of the project.

To date there has been one letter received regarding the proposed re-roofing, from the neighbors abutting to the east (the garage side of the property), in support of the project. No letters in opposition have been received.

In addition to the proposed reconfigured garage roof, the Applicants are undertaking a rear addition and interior renovation at the property. That work will not require any additional Board approvals

Applicable Fees: Variance Application Fee: \$300.00; Building Permit: to be assessed with the building permit for the rest of the project; TOTAL TO DATE: \$300.00

#### RELEVANT PRECEDENTS:

There are many cases of variances for encroachments into the side yard setback being granted, particularly when there is no covenant setback issue. Recent and relevant cases include:

In April of 2012, Mr. & Mrs. John Campanella of 22 Hesketh Street were granted permission to **construct** a second floor over an existing one-story sunroom, the soffit of which would encroach a maximum of six and one-half (6-½) inches into the seven (7) foot side (east) yard setback. Also in April 2012, Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted permission to **reconfigure** the roof over an existing garage. In May of 2011 Ms. Lucia Grenne and Mr. Norman Piccioni of 37 Quincy Street were granted a variance to **construct** a second floor over an existing first floor, the eave and gutter of which would encroach eighteen and one-half inches (18- ½") into the west seven (7) foot side yard setback. In January of 2009 Mr. Thomas Schaufelberger and Ms. Joanne Kyros of 135 Grafton Street were granted a variance to **modify** the roof line of a previously approved addition, the gutter of which would encroach an additional six (6) inches into the west seven (7) foot side yard setback for a total encroachment of two feet, six inches. In November of 2009 Mr. Bailey Adams of 5625 Grove Street was granted a variance to **construct** a 2-story rear addition, the soffit and gutter of which would encroach eighteen (18) inches into the southwest seven (7) foot side yard setback. In April of 2000 Mr. John Gorman and Ms. Susan Shmedes of 45 West Lenox Street were granted a variance to **construct** an addition to the rear of their house which would encroach two (2) feet into the west seven (7) foot side yard setback. On March 9, 1998, Amy Ross and Charles Sherman of 4007 Oliver Street were granted a variance to enclose an existing screened porch and **reconfigure** the porch roof from a flat roof to a gable roof. In a rare case of a variance request for an encroachment into the side yard setback that did not entail a covenant setback issue being **denied**, on March 10, 1997, Oliver Street Venture LLC was denied a variance to **maintain** a bay window overhang that was six feet, five inches (6'-5") from the west (side) property line at 4021 Oliver Street. The bay had been modified from the approved drawings without approval.

#### FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations [not applicable to this appeal], the structure authorized by the proposed variance would not violate any covenant applicable to the property.

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#### Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6258 , based on the findings that ...

**MAILING LIST FOR APPEAL A-6258**

**MR. & MRS. EDWARD RUBENSTEIN  
5503 GROVE STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Ms. Julia Anne Matheson & Mr. Timothy M. Slagle Or Current Resident 5500 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Michael W. Blommer Or Current Resident 5511 Kirkside Drive Chevy Chase, MD 20815
Mr. & Mrs. David L. Winstead Or Current Resident 5505 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Stefan Demmerle Or Current Resident 5501 Kirkside Drive Chevy Chase, MD 20815
Ms. Jacqueline S. Stark & Mr. Marc F. Plattner Or Current Resident 5502 Grove Street Chevy Chase, MD 20815	Mr. & Mrs. John Hay Or Current Resident 5504 Grove Street Chevy Chase, MD 20815
Ms. Michelle Delino & Mr. Robert A. Vricella Or Current Resident 5505 Grove Street Chevy Chase, MD 20815	Ms. Deirdre Parrot Or Current Resident 5506 Grove Street Chevy Chase, MD 20815
Mr. & Mrs. Ralph Miller Or Current Resident 5502 Western Avenue Chevy Chase, MD 20815	Ms. Martina Chapin Or Current Resident 5506 Western Avenue Chevy Chase, MD 20815

  
I hereby certify that a public notice was mailed to the aforementioned property owners on the 3<sup>rd</sup> day of January, 2013.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**



January 3, 2013

Mr. & Mrs. Edward Rubenstein  
5503 Grove Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Rubenstein:

Please note that your request to reconfigure the soffit and roof at the garage on your property is scheduled before the Board of Managers on Monday, January 14, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures



**Chevy Chase Village  
Building Permit Application**

Permit No: A-6258

<b>Property Address:</b> 5503 GROVE STREET	
<b>Resident Name:</b> Edward J. and Nancy K. Rubenstein Daytime telephone: 202-297-9037 Cell phone: 202-256-5936 After-hours telephone: (301) 913-0182 E-mail: N2NRubens@aol.com	
<b>Project Description:</b> NEW 1 STORY ADDITION AT REAR OF PROPERTY & NEW ASPHALT SHINGLE ROOF OVER EXISTING MASONRY GARAGE. NEW ADDITION TO BE MASONRY & PAINTED TRIM.	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
<b>Primary Contact for Project:</b> <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
<b>Information for Primary Contact for Project (if different from property owner):</b> Name: CHRISTOPHER R. SNOWBER Work telephone: 202 382 5416 After-hours telephone: 202 Cell phone: SEE AFTER HOURS E-mail: chris@hamiltonsnowber.com	
<b>Will the residence be occupied during the construction project?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: ANDREW SEBASTIAN Address: 14105 BISON CT, GLEN ELEG, MD 21737 Work telephone: 240 216 8421 After-hours telephone: Cell phone: E-mail: sebastiandesignbuild@gmail.com	
<b>Parking Compliance:</b> Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Building Permit Filing Requirements:**  
**Application will not be reviewed until the application is complete**

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

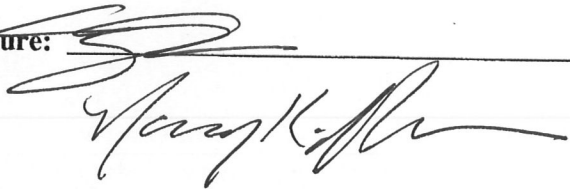
*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising the architect, contractor, or any other service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:**



**Date:** 12/12/12

*To be completed by Village staff:*

Is this property within the historic district?

Yes

No


Staff Initials: ES

Date application filed with Village: 12/14/12

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_



For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:
	<i>Handwritten:</i> Band Saw the soffit and gutters on the reconfigured roof would encroach into the 7' side yard setback.

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ _____ (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input type="checkbox"/> Not required for this project.	
TOTAL Fees:	
	Date: Staff Signature:

<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:

# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

<b>Subject Property:</b> 5503 GROVE STREET	
<b>Describe the Proposed Project:</b> NEW 1-STORY FRAME ADDITION W/ MASONRY VENEER AT REAR OF PROPERTY & NEW ASPHALT SHINGLE ROOF OVER EX. MASONRY GARAGE.	
<b>Applicant Name(s) (List all property owners):</b> Edward J. Rubenstein & Nancy K. Rubenstein	
<b>Daytime telephone:</b> (202) 297 9037	<b>Cell:</b> (202) 256-5936
<b>E-mail:</b> N2NRubens@aol.com	
<b>Address (if different from property address):</b>	
<b>For Village staff use:</b>	
<b>Date this form received:</b> 12/11/12	<b>Variance No:</b> A-6258

### Filing Requirements:

#### Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: \_\_\_\_\_

Date: 12/12/12

Applicant's Signature: \_\_\_\_\_

Date: 12/12/12




**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Variance Filing Fee</b>	<b>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</b>
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	<b>Date Paid:</b> 1/2/13 <b>Staff Signature:</b> 
<b>Fee Paid:</b> 300.00	<b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>

***Describe the basis for the variance request. Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:***

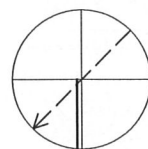
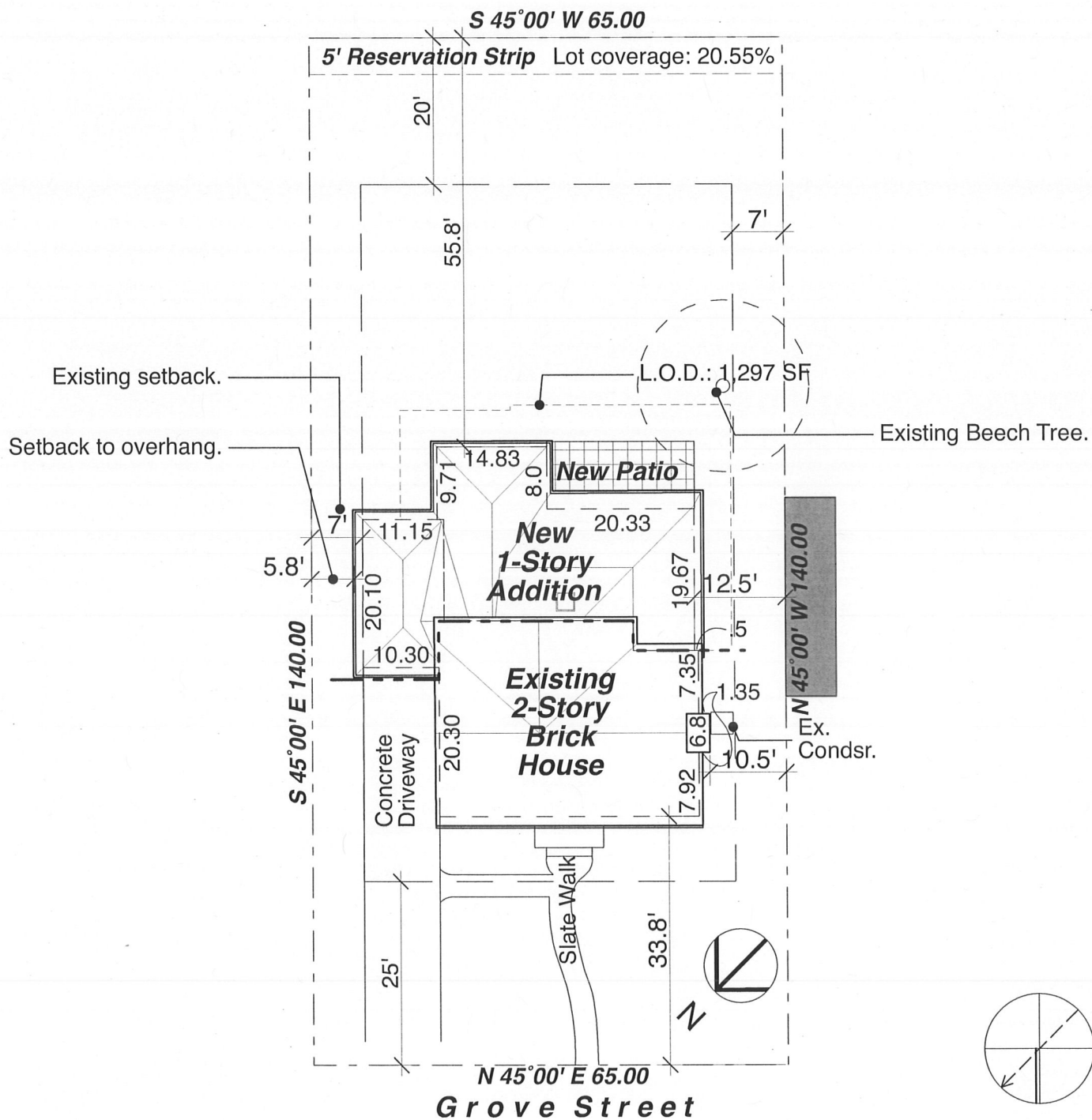
1. The property is a 65' wide lot that is generally in keeping with many of the residential lots in the village. The existing attached masonry garage, located on the northeast side of the lot, is currently 7.03' from the side lot line and is set back 20 feet from the front façade of the house.

*Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):*

1. The original garage had a flat roof. At some point, an architecturally inappropriate shed roof was added, presumably to solve drainage problems with the roof. Our proposal is to replace this shed roof with a hipped roof that integrates the garage architecturally with the main house and a new addition that we are building at the rear of the property.
2. Enforcement of the current side yard setback rule will not allow for a proportionally-sized eave or gutter for the new hipped roof. This proposed new roof will have an eave plus gutter of 14.25" (1.19'). This overhang would result in a 5.81' setback from the side property line. The current 7.0' setback requirement would not allow for this change to the roof configuration.
3. This northeast side of the garage is the only location where the overhang creates an issue with the current setback requirement.

*Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Village Code, entitled Buildings and Building Regulations:*

1. The intent and purpose of the requirements of Chapter 8 of the Village Code is to ensure all buildings "will not block air circulation, change the character of the property, create unsafe conditions, block vistas, restrict air circulation or decrease green space."
  - a. Our proposed overhang will not block or restrict air circulation in the side yard as the overhang is minimal and is only located on the garage structure.
  - b. The proposed overhang will not change the character of the property, as the hip roof is a traditional roof massing for this style house.
  - c. The proposed overhang will not create unsafe conditions as it is of a minimal dimension.
  - d. The proposed overhang will not block vistas, as the existing garage is located 20' behind the front plane of the main residence.
  - e. The proposed overhang is on an existing structure, and therefore will not decrease green space.
2. The proposed overhang will not decrease the neighboring property's light and air as the overhang is minimal. Additionally, the highest point of the new hip roof is 8 inches lower than the highest point of the existing shed roof.



PLAN  
NORTH

HAMILTON  
SNOWBER

Architects

Site Plan

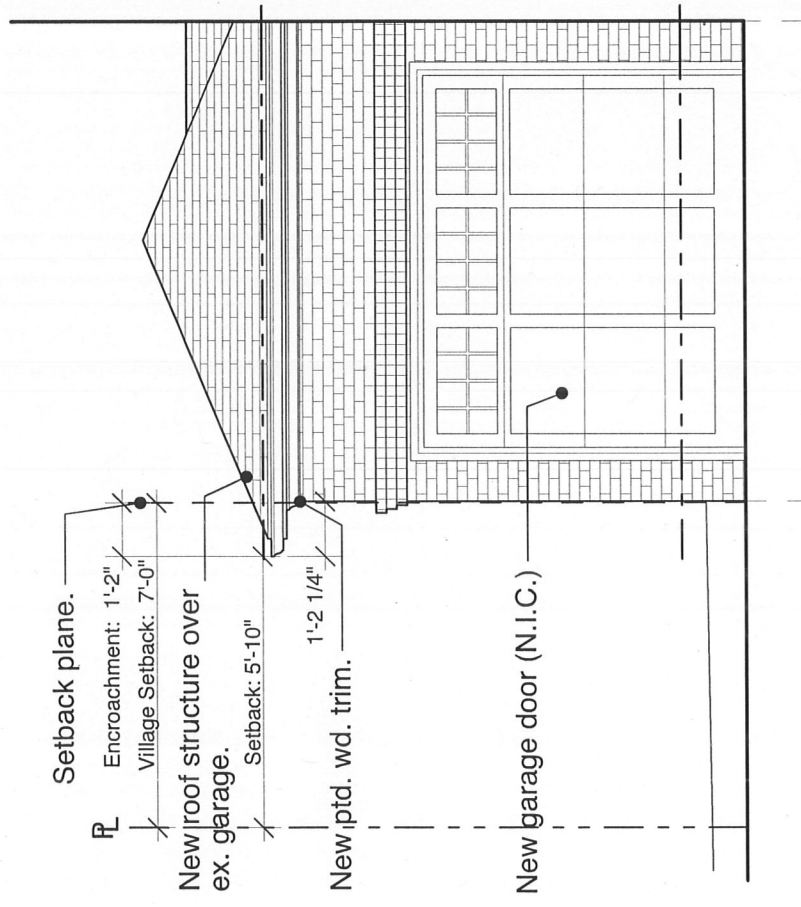
Rubenstein Residence

5503 Grove Street  
Chevy Chase, MD 20815

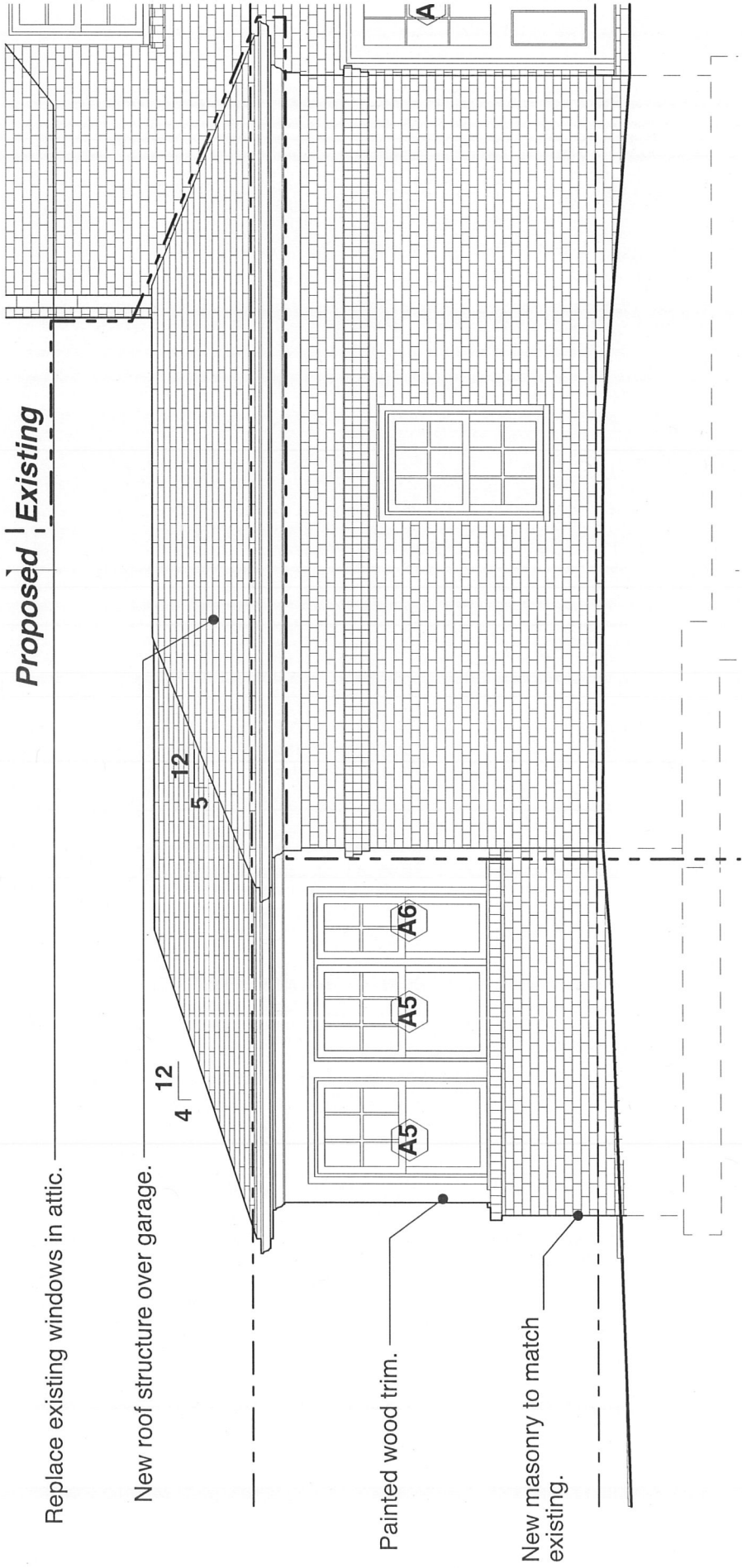
4 January 2012

1" = 20'

9







Proposed | Existing

Replace existing windows in attic.

New roof structure over garage.

Painted wood trim.

New masonry to match existing.

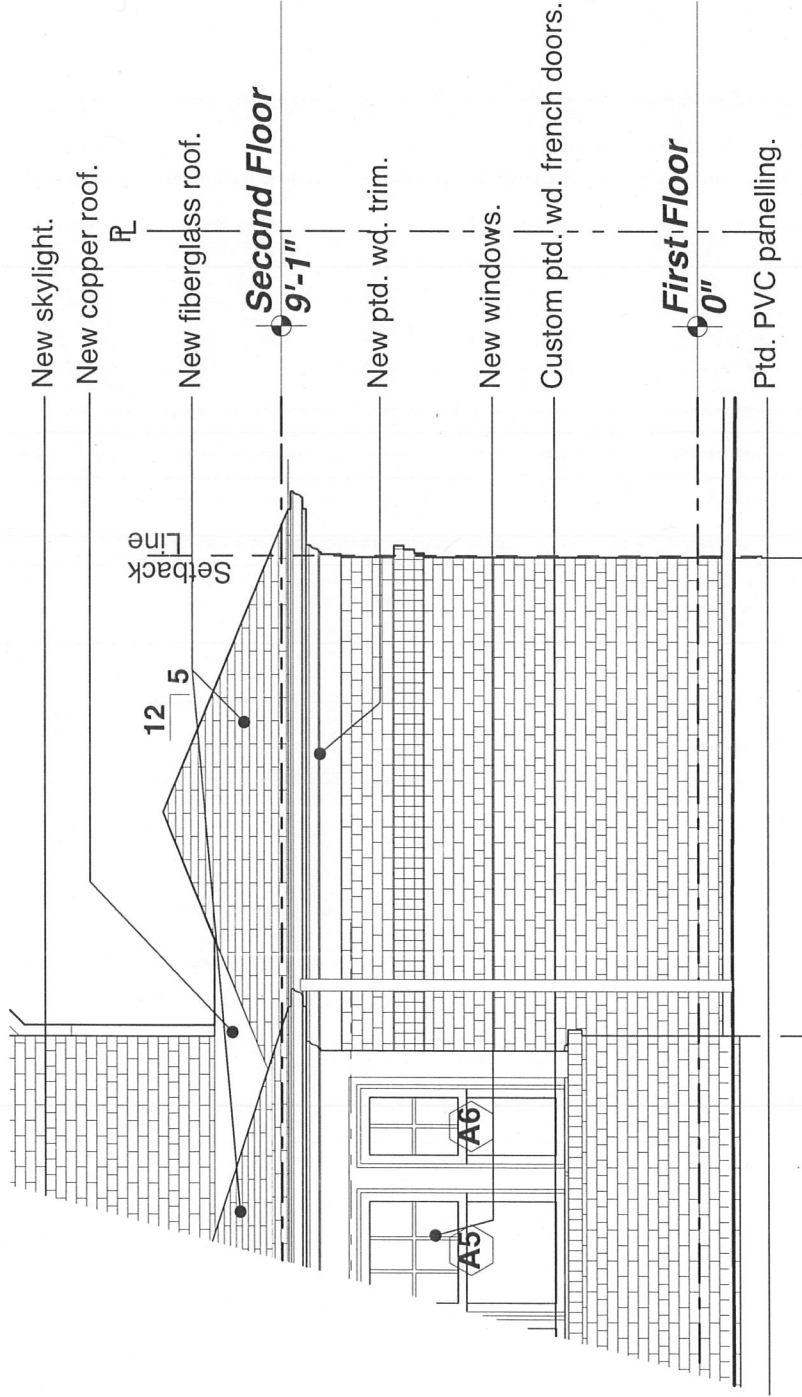
HAMILTON  
SNOWBER



Partial East Elevation

Rubenstein Residence  
5503 Grove Street  
Chevy Chase, MD 20815

12 December 2012  
1/4" = 1'-0"



HAMILTON  
SNOWBER

Architects

Partial South Elevation

Rubenstein Residence  
5503 Grove Street  
Chevy Chase, MD 20815  
12 December 2012  
1/4" = 1'-0"

**Edward & Nancy Rubenstein**  
5503 Grove Street Chevy Chase, MD 20815

To the Chevy Chase Village Board of Managers:

I have met with the owner of this project and reviewed the Garage Overhang Variance drawings for their residence at 5503 Grove Street, as prepared by Hamilton Snowber Architects and dated 12/12/12.

I understand that the proposed project includes:

A new roof with an overhang for existing garage that will encroach into the Village's standard setback line of 7'-0" by 1'-2" on the east façade of the garage only. This will result in a 5'-10" setback from the east property line.

I have no objection to the proposed project.

Name      Address

Robert Vricella      5505 Grove St.  
*[Signature]*

Michelle Delino Vricella      12-23-12  
*[Signature]*  
5505 Grove St.

**PLAT BOOK 18 @ PLAT 1132  
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MD.**

N 45°00' E 65.00'



the aforementioned mortgage, hereby covenant that they will warrant specially the land and premises hereby conveyed; and that they will execute such other and further assurances of said land as may be requisite and necessary the better to convey the same as aforesaid.

Witness our hands and seals.

Witness:

George H. Darby

(Internal Revenue \$2.75)

(State Tax \$2.50)

John G. Reading

(Seal)

Louise B. Reading

(Seal)

State of Maryland, Montgomery County, ss:

I hereby certify that on this 8th day of May, 1940, before me, the subscriber, a Notary Public of the State of Maryland, in and for Montgomery County, personally appeared John G. Reading and Louise B. Reading, his wife, and acknowledged the foregoing and annexed to be their act and deed.

Given under my hand and official seal.

George H. Darby

Notary Public

George H. Darby

Notary Public

Rockville

Md.

EXAMINED

Mailed to.

Louis J. Peak

2851 Chatterfield Pl

Wash. D.C.

10-14-40.

At the request of The Simpson-Peak Company, the following Deed was recorded August 9th, A. D. 1940, at 2:52 o'clock, P. M. to wit:

This Deed Made this eighth day of August, in the year one thousand nine hundred and forty by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland,) party of the first part, and The Simpson-Peak Company (a body corporate organized under and by virtue of the laws of the State of Maryland), party of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twenty-One Hundred Dollars to it paid by the said part- of the second part, and of the covenants and agreements of the said part- of the second part as hereinafter set forth, does hereby grant and convey unto the said part- of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lot numbered Thirty-one (31) in the resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland of certain lots in Block numbered Four (4) in the subdivision known as "Section 1-A, Chevy Chase", Montgomery County, Maryland, as per plat of said resubdivision recorded in Plat Book No. 18, plat 1132, one of the Land Records for said Montgomery County, Maryland.

Subject to building restriction line as shown on said plat.

Subject also to reservation for water and sewer mains and for other purposes as set forth on said plat and on plat recorded in Plat Book No. 4, page 349, of said Land Records.

Said party of the second part for itself, its successors and assigns, does hereby covenant and agree that no building shall be erected on said land unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

The party hereto of the second part does hereby covenant and agree for itself, its successors and assigns, that no objection will be raised to the rezoning of Lots in Blocks 6 and 11 in said subdivision known as "Section One-A, Chevy Chase," Montgomery



County, Maryland, for use for commercial purposes.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, in fee simple.

In Consideration of the execution of this Deed, the said party of the second part, for itself, its successors and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz;

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five hundred (7500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said, The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillyer its President, attested by George E. Fleming, its Secretary and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Geo. E. Fleming  
Secretary

The Chevy Chase Land Co.  
of Montgomery Co. Maryland

The Chevy Chase Land Company, of  
Montgomery County, Maryland  
By: Edward L. Hillyer, President  
(Internal Revenue \$2.75)  
(State Tax \$2.10)

District of Columbia, to wit:

I, Frank I. Greenwalt, a Notary Public in and for the said District of Columbia, do hereby certify that on this 8th day of August, 1940, George E. Fleming, who is personally well known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 8th day of August, 1940, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged



the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 8th day of August, A. D., 1940.

Frank I. Greenwalt

Notary Public, D. C.

Frank I. Greenwalt

Notary Public

District of

Columbia

EXAMINED

Mailed to:-

Louis J. Reake

2851 Chesterfield Pl.

Wash. DC

10-14-40

At the request of The Simpson-Peak Company, the following Deed was recorded August 9th, A. D. 1940, at 2:53 o'clock, P. M. to wit:

This Deed, Made this eighth day of August, in the year one thousand

nine hundred and forty by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and The Simpson-Peak Company (a body corporate organized under and by virtue of the laws of the State of Maryland), party of the second part:

Witnesseth, That the said party hereto of the first part, for and in consideration of the sum of Twenty-One Hundred Dollars, to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland namely:

Lot numbered Twenty-six (26) in the resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland of certain lots in Block numbered Eight (8) in the subdivision known as "Section 1-A, Chevy Chase", Montgomery County, Maryland, as per plat of said resubdivision recorded in Plat Book No. 18, plat 1132, one of the Land Records for said Montgomery County, Maryland.

Subject to building restriction line as shown on said plat.

Said party of the second part for itself, its successors and assigns, does hereby covenant and agree that no building shall be erected on said land unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors

The party hereto of the second part does hereby covenant and agree for itself, its successors and assigns, that no objection will be raised to the rezoning of Lots in Blocks 6 and 11 in said subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, for use for commercial purposes.

To Have and to Hold the said land and premises, with the improvements, easements, and appurtenances, unto and to the use of the said party of the second part, in fee simple,

In Consideration of the execution of this Deed, the said party of the second part, for itself, its successors and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

## CCV Permitting

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**From:** Michael Rouse [mike@hamiltonsnowber.com]  
**Sent:** Friday, December 21, 2012 11:16 AM  
**To:** CCV Permitting  
**Subject:** 5503 Grove St Existing overhang

Ellen-

The existing overhang is 9" total, so with the building's current location, the current overhang is encroaching 8 3/4".

Let me know if you need anything else. Nancy and Ned are getting a no objection letter signed this weekend from the neighbors.

Mike

Michael P. Rouse, AIA  
Associate  
Hamilton Snowber Architects, P.C.  
2741 Woodley Place NW  
Washington, DC 20008  
202.332.5416 t  
[www.hamiltonsnowber.com](http://www.hamiltonsnowber.com) w